

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RUSSELL MEANOR, :
Plaintiff, :
v. : Civil Action No. 05-249J
DR. WILCOX and BEAVER COUNTY, :
Defendants :

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

On September 12, 2006, the Magistrate Judge filed a Report and Recommendation, docket no. 55, recommending that the defendants' motions to dismiss or for summary judgment, docket no. 39 and docket no. 41, be denied in part.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. No objections were filed by defendants, and the time to do so has expired. Plaintiff filed a document styled "preliminary objections," docket no. 58, which is an appeal from discovery orders by the Magistrate Judge. Upon review, the appeal from the Magistrate Judge's orders is denied because the discovery orders are neither contrary to law nor clearly erroneous.

After review of the record of this matter together with the Report and Recommendation, and noting the absence of objections thereto, the following order is entered:

AND NOW, this 26th day of September, 2006, it is
ORDERED that defendants' motion to dismiss or for summary
judgment, docket no. 39 and docket no. 41, are denied. The Report
and Recommendation is adopted as the Opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to:

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